



MAINE STATE BOARD OF EDUCATION

23 State House Station
AUGUSTA, MAINE 04333

STATE OF MAINE

The State Board of Education held a regular monthly meeting on December 12, 2007, at the Cross State Office Building, ATM Room 103, Augusta with the following members present: Chair James Carignan, Jean Gulliver, Marilyn Tardy; Connie Goldman; James Banks; Ann Weisleder; Jack Norris; and Mabel Desmond. Excused: Vice Chair Philip Dionne.

Also present were: Deputy Commissioner Angela Faherty; Scott Brown, AIA, School Facilities; and Rhonda Casey, Clerk.

CALLED TO ORDER:

The meeting was called to order at 1:30 PM.

CONSENT AGENDA:

CONSIDERATION OF THE REVIEW TEAM FOR WHEELOCK COLLEGE

MOVED by Ann Weisleder, seconded by Jim Banks, and unanimously voted by those present to approve the consent agenda.

REGULAR BUSINESS:

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; CONCEPT APPROVAL CONSIDERATION; SAD #32 ASHLAND, NEW PRE K-12 SCHOOL CONSTRUCTION PROJECT

Statement of Fact: SAD #32's Application for Major Capital School Construction Projects rated number 7 on the 2004-2005 Approved Projects List. Because of the location of the district, neither the elementary nor the high school could be combined with other schools in the county. A very thorough New vs. Renovation Study was also conducted. Both of the schools in Ashland were in very poor condition, thus renovation was not a viable option. The Department has worked with SAD #32 officials and the architect to design a school that will house the academic program while being flexible enough to meet future academic changes.

Because this is a preK-12 school, a number of special issues were considered. These ranged from student circulation in the school to how core facilities can be shared. The school will function smoothly and all age groups will receive appropriate consideration.

The School Facilities Services Team has spent considerable time on budgets, enrollments, and cost estimates prior to recommending the project proceed to the Concept Approval stage.

The new school will replace the Ashland Central School (grades K-5) and Ashland Community High School (grades 6-12), both of which will be closed.

This Concept Approval is being requested pursuant to M.R.S.A. Title 20-A, Section 15905(1).

Project Information:

Project: New PreK-12 School in Ashland
Superintendent: Dr. Gehrig Johnson
Principal: Robert Hennessey (preK-12)
Architect: Don Lewis, Lewis & Malm Architecture

Superintendent Johnson has provided the following project description statement:

The proposed new Ashland Community School will replace two facilities that have served the five communities comprising School Administrative District #32 (Ashland, Garland, Oxbow, Portage and Masardis) for the past six decades. Ashland Central School was built in 1949 and houses 156 students in grades PreK-5. Ashland High School was built in 1950 and houses 166 students. Neither of these two facilities is conducive to meeting students' educational needs due to severe structural deficiencies.

Therefore, we propose to consolidate two buildings into one school and move approximately 350 elementary and high school students under one roof. This will maximize common spaces and minimize construction costs. More importantly, there are many educational advantages and added possibilities for educating all of our elementary and secondary students in one building. The school district is committed to blending a simple yet aesthetically pleasing design in the construction of this facility, while incorporating the use of durable materials and energy efficient lighting and mechanical systems.

Being environmentally responsible is also a high priority in the construction of this building. We have incorporated environmental and conservation education initiatives where possible. Our main objective is to create a safe learning environment with optimal auditory, thermal, and visual comfort.

Project Budget Information:

Estimated Total Project Cost: \$22,057,929

Local Only Cost (no State participation): \$1,720,928

Anticipated Maine High Performance Schools Energy Grant: \$120,000

Approved for State/Local Debt Service Subsidy: \$20,217,001

Construction Committee Recommendation: The Construction Committee recommends that the State Board of Education approve the Concept Approval for SAD #32 for a new pre K-12 school in Ashland, Maine.

Commissioner Recommendation: The Commissioner recommends that the State Board grant Concept Approval to SAD #32 for a new pre K-12 school in Ashland, Maine, and approve the budget as presented.

MOVED by Jean Gulliver, seconded by Marilyn Tardy, and unanimously voted by those present to grant Concept Approval to SAD #32 for a new pre K-12 school in Ashland, Maine, and approve the budget as presented.

PROVISIONAL ADOPTION OF AMENDMENTS TO STATE BOARD OF EDUCATION RULE CHAPTER 61 – RULES FOR MAJOR CAPITAL SCHOOL CONSTRUCTION PROJECTS

Statement of Fact: Chapter 61, Rules for Major Capital School Construction Projects, govern the expenditure of millions of Maine taxpayers' dollars in support of the provision of safe schools that support the demands of 21st century education. Extensive needs for improved education facilities across the state make it imperative that the rules be kept clear, current and supportive of the state's education goals. To this end, the Department of Education and the Construction Committee of the State Board of Education have worked jointly to propose modifications to Chapter 61. Key aspects of this revision include:

1. Defining "Non-Conforming School" as a "school in a school administrative unit where that school system has neither joined a Regional School Unit nor has an approved alternative plan as specified under the provisions of 20-A M.R.S.A. Chapter 103-A."
2. Eliminating the definitions of "Learning Technology Equipment" and "Non-Learning Equipment."
3. Adding additional points for inefficient energy building systems.
4. Altering the program points for CTE centers and regions to fairly evaluate CTE programs.
5. Requiring all projects to meet a conservation standard that will be developed by the Department of Education's School Facilities Team.
6. Clarifying the protocol by which the rating team may report schools that appear to be unsafe.
7. Requiring that consideration be given to providing the minimum travel distance for the maximum number of students when considering a new school site.
8. Removing Section 9 subsection 2, A through E, which is the budgetary approach for technology expenditures on projects.
9. Clarifying the language in Section 10 (4) (A) "Budget Requirements;" to increase the allocation for moveable equipment.

10. Requiring that non-conforming schools be penalized 10 points on their rating score and 10% of the total State/Local funding portion of their Major Capital School Construction project budget.

Chapter 61 is a major substantive rule that, if provisionally adopted by the State Board of Education, will meet the time constraints that honor Legislative review and approval in accordance with the Administrative Procedure Act.

A Public Hearing was held at the Burton Cross Office Building in Augusta on Wednesday, October 25, 2007. The hearing was also made available via ATM at Greely High School, Bangor High School, and Presque Isle High School. One person attended at the Augusta location. He offered his comments both orally and in writing. The deadline for submission of written comments was Friday, November 9, 2007. In addition to the written comments from the attendee at the public hearing, one other person submitted comments by the deadline. One comment noted a clerical error that has been corrected in the final draft.

Construction Committee Recommendation: The Construction Committee recommends that the State Board of Education provisionally adopt the amendments to Chapter 61, Rules for Major Capital School Construction Projects.

Department Recommendation: The Commissioner recommends that the State Board of Education provisionally adopt the proposed amendments to Chapter 61, Rules for Major Capital School Construction Projects. The amended rule and the Summary of Comments and Responses are included with this exhibit.

MOVED by Jean Gulliver, seconded by Jim Banks, and unanimously voted by those present to provisionally adopt the proposed amendments and with the changes discussed during the workshop session to page 8 (World Languages added in place of _____) to State Board of Education Rule Chapter 61 – Rules for Major Capital School Construction Project.

PROVISIONAL ADOPTION OF CHAPTER 115: CERTIFICATION, AUTHORIZATION, AND APPROVAL OF EDUCATION PERSONNEL, PART I AND PART II

Background: The State Board proposed revisions to Chapter 115 as follows: Proposed amendments to Chapter 115, Part I and II include adding language to allow teacher holding a 7-12 endorsement in the same subject area to teach adult education, changing ‘modern languages’ to ‘world languages’, omitting sunset language and all references to Northeast Regional Credential, and adding a new certificate, the Financial Services Manager.

Recommendation: It is recommended that the State Board of Education provisionally adopt amendments to Chapter 115 in accordance with the Maine Administrative Procedures Act.

MOVED by Ann Weisleder, seconded by Connie Goldman, and unanimously voted by those present to provisionally adopt the amendments to Chapter 115, Certification, Authorization, and Approval of Education Personnel, Part I and Part II as amended Tuesday, December 12, 2007.

CONSIDERATION OF THE FINAL DRAFT OF MAINE STATE BOARD OF EDUCATION RULES AND THE OPPORTUNITY CONTRACT AS ARE REQUIRED FOR IMPLEMENTATION OF CHAPTER 469 – “AN ACT TO ALLOW TAX CREDITS FOR COLLEGE LOAN REPAYMENTS”

Background: The First Session of the 123rd Legislature enacted LD 1856 – “An Act to Allow Tax Credits for College Loan Repayments”. This act specifies that the State Board of Education “. . . shall, in accordance with section 3, adopt rules, which are routine and technical rules pursuant to Title 5, chapter 375, subchapter 2-A, as necessary to carry out the purposes of this chapter”. This chapter also requires that the State Board “. . . shall draft an opportunity contract for use in enrolling individuals in the program” and specifies what the opportunity contract must contain. This chapter creates the Opportunity Maine program and requires this educational opportunity initiative to be in place by January 1, 2008.

The following documents, which were distributed earlier to Board members electronically, are being provided for this meeting in hard copy: These documents, in support of the following recommendation, include: 1) SBE-1 - a copy of Chapter 469; 2) SBE-2 - a copy of the Proposed Rules that were endorsed by the Board during its September 12, 2007 meeting; 3) SBE-3 - Opportunity Maine's Comments/Recommendations Concerning the Board's Proposed Rules, following the public hearing 10/31/07; 4) SBE-4 - Summary of Comments and Responses; 5) SBE-5 - Final Draft of Board Rules; and SBE-6 - Final Draft of the Opportunity Contract.

Recommendation: That the State Board of Education adopt the final draft of proposed rules and the final draft of the proposed Opportunity Contract; thereby executing its duties as required under the provisions of Chapter 469.

MOVED by Jean Gulliver, seconded by Jim Banks, and unanimously voted by those present to the final draft of the proposed Opportunity Contract with the changes discussed during the morning workshop session (Handout SBE 5R and SBE 6R), thereby executing its duties as required under the provision of Chapter 469.

CAMBRIDGE COLLEGE APPLICATION TO OFFER DEGREE PROGRAMS IN MAINE

Background: 20-A MRSA, Chapter 409 provides that the State Board of Education may approve an application from a postsecondary educational institution located outside the State of Maine to offer within the state courses or programs for academic credit.

Officials from Cambridge College, located in Cambridge, Massachusetts, submitted an application to offer baccalaureate and graduate programs in the State of Maine. Specifically, the College seeks to offer the Bachelor of Science in Management Studies; the Bachelor of Arts in Multidisciplinary Studies; and the Master of Management with concentrations in the following areas: Business, Business Negotiation and Conflict Resolution, Entrepreneurship and Small Business, Health Care Management, Internet and Information Security, Leadership in Human and Organizational Dynamics, Information Technology for Managers, Nonprofit and Public Organization Management, Nursing Management and Leadership, and Organizational Coaching. Cambridge College is fully accredited by the New England Association of Schools and Colleges (NEASC) through its Commission on Institutions of Higher Education.

The Cambridge College application was reviewed and evaluated in Augusta on August 13, 2007, in accordance with rules established by the State Board and evaluated through the use of standards adopted by the Board. Following this meeting the Review Team developed its report of findings which was received by the Board during the October 10, 2007 meeting.

Recommendation: That the State Board of Education approve the Cambridge College application to offer undergraduate and graduate programs in the State of Maine. The period of approval would be from December 2007 to December 2011.

MOVED by Jean Gulliver, seconded by Connie Goldman, and unanimously voted by those present to the Cambridge College application to offer undergraduate and graduate programs in the State of Maine. The period of approval would be from December 2007 to December 2011.

COMMISSIONER'S RECOMMENDED FUNDING LEVEL 2009

Pursuant to the provisions of 20-A M.R.S.A., Section 15689-C, the Commissioner, with a the approval of the State Board of Education, shall certify to the Governor and the Bureau of the Budget recommended funding levels for the total cost of funding public education from kindergarten to grade twelve. The funding levels recommended herein were developed in accordance with the current statute as amended by Legislative Document 1.

Recommendation: I recommend that the State Board of Education approve the following motion:

Motion: To approve the certified funding level for FY 2009, based on current statute, for the total cost of funding public education from kindergarten to grade twelve (including total operating allocation, total debt service allocation, and total adjustments and miscellaneous costs) at \$1,875,497,335, a local contribution amount of \$843,973,801, and a state contribution amount of \$1,031,523,534 to be distributed as General Purpose Aid for Local Schools. These amounts shall be distributed according to the parameters of the Essential Programs & Services Funding Act, 20-A M.R.S.A. Chapter 606-B.

MOVED by Ann Weisleder, seconded by Jean Gulliver, and unanimously voted by those present to approve the certified funding level for FY 2009, based on current statute, for the total cost of funding public education from kindergarten to grade twelve (including total operating allocation, total debt service allocation, and total adjustments and miscellaneous costs) at \$1,875,497,335, a local contribution amount of \$843,973,801, and a state contribution amount of \$1,031,523,534 to be distributed as General Purpose Aid for Local Schools. These amounts shall be distributed according to the parameters of the Essential Programs & Services Funding Act, 20-A M.R.S.A. Chapter 606-B.

DEPUTY COMMISSIONER'S REPORT:

Deputy Commissioner reported on the following in the absence of the Commissioner:

- An invitation has been mailed out to teachers of AP courses to attend a meeting on March 1, 2008 at the Holiday Inn by the Bay in Portland.
- That the Department is sponsoring an evening dinner on January 26 at the Senator Inn with key individuals from North East Labs, and Board members are invited to attend.
- That Commissioner Gendron will be holding a series of forums in an effort to continue discussions to gather input on the implementation of Maine's *Learning Results*, proposed changes to school approval, and proposed high school diploma requirements. In addition, these forums will be recorded and televised.
- That the State Board of Education's request for a hiring waiver for their secretary has been granted. The next step is to request a list Waiver for secretary position has been granted, so the process can now be moved along.

CHAIR'S REPORT:

- That he, Jack Norris, and Jean Gulliver finished sorting through approximately 50 student applications for membership on the Board. Ultimately this resulted in seven students being selected whose names were then forwarded to the Governor for review and nomination.
- That the National Association of State Boards of Education recently published its report, *E Pluribus Unum: English, Language Education, and America's Future*. An Executive Summary of the report can be found on NASBE's website at http://www.nasbe.org/projects/language_learning.html.

BOARD MEMBER REPORTS:

Ann Weisleder:

- That she continues to work with others pressing forward with the degree granting statutes and rules.

- That she, Jean, and Phil attended the public hearing on Chapter 469. As a result of the public hearing she and Phil will be meeting with Harry on Friday to assist with responding to the comments submitted during the hearing.

Marilyn Tardy:

- That she appreciates that all the time that everyone has taken to bring her up to speed.

Jack Norris:

- That he traveled to Orono to participated as a member of the search committee for a new dean for the College of Education at the University of Maine.
- That the Making the Grade Applications were distributed to the schools and to date only a handful of schools has submitted their application.

Connie Goldman:

- That she continues to participate as a member of the Certification Committee, which meets monthly.
- That she continues to become familiar with the work of the Board and has recently completed reading the Select Panel Report.

Mabel Desmond:

- That she is happy to serve on the Board and has a strong interest in education.

ADJOURNMENT:

State Board of Education unanimously agreed to adjourn the December 12, 2007, meeting at 4:00 PM.